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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masahiro Tanaka

Atty. Docket No. 075834.00067

Serial No.: 09/ 834,075 ✓

Group Art Unit: 2811

Filed: April 12, 2001 ✓

Examiner: Cuong Quang Nguyen

Title: "NON-VOLATILE SEMICONDUCTOR STORAGE DEVICE"

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT  
AND PETITION FOR EXTENSION OF TIME**

Assistant Commissioner of Patents  
Washington, D.C. 20231

S I R:

In response to the Office Action dated July 1, 2002, Applicant elects the claims of the species of Figures 5-6 for initial prosecution. Claims 5-15 read on the embodiment of Figures 5-6 which is designated as embodiment 3 in the application. Applicant acknowledges that the Examiner identified Embodiment 1 as being a first patentably distinct species but notes that the Examiner did not address embodiment 3 in the specification which is described with reference to Figures 5-6. Embodiment 3 is distinct as it is the embodiment which employs the use of a compensation capacitor as described in the specification and the elected claims.

Applicant specifically reserves the right to prosecute the non-elected claims in a later filed continuation or divisional application.

**PETITION FOR EXTENSION OF TIME**

Applicant hereby petitions for a two-month extension of time to respond to the outstanding Office Action under 37 C.F.R. §1.136(a). The time to respond is thus extended to October 1, 2002. Applicant has also included a check in the amount of \$400.00 as payment of the required fee set forth in 37 C.F.R. §1.17(a).

Applicant therefore awaits consideration and examination of elected claims and respectfully requests consideration on the merits in due course.

Respectfully submitted,

Date: October 1, 2002

(Reg. #37,607)

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**CERTIFICATE OF MAILING**

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DATE: October 1, 2002

  
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Attorney for Applicant

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